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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,410	12/20/2001	Eric S. Keyster	00-828	3754

7590

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EXAMINER

PRINCE, FRED G

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 04/09/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,410

Applicant(s)

KEYSTER ET AL

Examiner

Fred Prince

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "the annular outer surface" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-8 are rejected as depending from a rejected claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 6-11, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Pasbrig.

Pasbrig, directed toward a fuel filter assembly, teaches a housing (1) having an inlet (4) and an outlet (5), a filter (10) in the housing, a thin film heater (14) positioned between an annular outer surface (Fig. 1) and the filter and embedded in an inner wall (col. 3, lines 22-45).

Art Unit: 1724

6. Claims 1-3, 9, 11-12, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Diry.

Diry, directed toward a fuel filter assembly, teaches a housing (4) having an inlet (6) and an outlet, a filter (3) in the housing, a thin film heater (18, col. 3, lines 25-30) positioned between an annular outer surface (Fig. 3), a water drain valve (14), wherein a thermostat regulates the temperature fuel (col. 3, lines 55-65).

7. Claims 1-3, 9, and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller.

Keller, directed toward a fuel filter assembly, teaches a housing (10, 14, 20) having an inlet (71) and an outlet (73), a filter (50) in the housing, a heater (40, 150) positioned between an annular outer surface (Fig. 2), a water drain valve (81).

8. Claims 1-2, 9, 11, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Cantoni.

Cantoni, directed toward a fuel filter assembly, teaches a housing (12) having an inlet (16) and an outlet (17), a filter (21) in the housing, a heater (18) positioned between an annular outer surface (Fig. 2), wherein a temperature (31) is coupled to equipment in order to regulate temperature fuel (col. 3, lines 31-37).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4-5 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasbrig in view of Keller.

Pasbrig is described above. Pasbrig does not disclose a water drain valve. Keller, also directed toward a fuel filter assembly, discloses providing a water drain valve in order to separate liquid impurities including water from the fuel (col. 4, lines 9-13).

It would have been obvious for the skilled artisan to have modified the assembly of Pasbrig, such that it includes a water drain valve in order to separate liquid impurities including water from the fuel, as suggested by Keller.

11. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasbrig in view of Baker.

Pasbrig discloses a method of heating fuel by positioning a thin film heater element embedded inside a housing (Fig. 2; col. 3, lines 22-40). Pasbrig does not disclose activating the element when the temperature is below a certain temperature.

Baker, also directed toward a method of heating fuel, discloses activating a heating element when the temperature is below a predetermined temperature (col. 5, lines 5-7) in order to prevent fuel and wax from congealing in the filter (col. 2, lines 9-11).

It would have been obvious for the skilled artisan to have modified the method of Pasbrig such that it includes the step of activating a heating element when the temperature is below a predetermined temperature in order to prevent fuel and wax from congealing in the filter, as suggested by Baker.

Art Unit: 1724


Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References are cited of interest to show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (703) 306-9169. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (703) 308-3792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Fred Prince
Primary Examiner
Art Unit 1724
April 4, 2003